

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 1
JUDGE MARGARET M. MANN, PRESIDING
TUESDAY, DECEMBER 9, 2014

10:00 AM

1 - 10-17448-MM Ch 13 BENN A & MARIA BELLA N FLORES

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY TRUSTEE

Tentative Ruling: The Court having considered the Motion for Approval of Modified Chapter 13 Plan filed by Trustee (the "Motion"), no opposition having been timely filed and good cause appearing. The Motion is granted and appearances are excused. The Trustee is to upload an order granting the Motion.

ATTORNEY: LARISSA L. LAZARUS (BENN & MARIA FLORES)

2 - 10-18870-MM Ch 13 KEVIN R. & PATRICIA A. KANE

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Continued to February 17, 2015 at 10:00 a.m., Department 1. Trustee to track plan payments due December 2014, January 2015, and February 2015, with the ability to submit a dismissal order if any of these payments are not made within 14 days of the due date. Status reports are due one week before hearing. Attorney guideline fees of \$490 are awarded. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: KATIE PARKER (KEVIN & PATRICIA KANE)

3 - 10-22644-MM Ch 13 PETER JESSE PADILLA

MOTION FOR RELIEF FROM STAY, RS #JCW-1 FILED BY SETERUS, INC.

ATTORNEY: YURI SIMPSON (PETER PADILLA)
ATTORNEY: JENNIFER C. WONG (SETERUS, INC.)

4 - 10-22808-MM Ch 13 DANIEL SANCHEZ

1) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY TRUSTEE (fr. 10/14/14)

Tentative Ruling: Off calendar. Motion has been withdrawn. Attorney guideline fees are awarded. Appearances are excused.

2) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTOR

ATTORNEY: JEFFREY D. SCHREIBER (DANIEL SANCHEZ)

10:00 AM

5 - 11-01032-MM Ch 13 EUGENE & JANICE PATRICIA JOHNSON

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: The court has reviewed Debtor's revised schedules I and J that reflect, without any evidence to the contrary, that her expenses are reasonable. The evidence before the Court also reflects that support from the daughter is not forthcoming. The Court would be inclined to grant a hardship discharge but for the fact that Debtor's revised schedules I and J reflect positive net income of \$275.00 that could be devoted to the plan. The parties are to address the significance of this net income on the matters before the Court.

ATTORNEY: J. EDWARD SWITZER (EUGENE & JANICE JOHNSON)

6 - 11-01522-MM Ch 13 JUAN M & GRACIELA NUNEZ

MOTION FOR APPROVAL OF LOAN MODIFICATION AGREEMENT FILED BY DEBTORS

Tentative Ruling: AMENDED TENTATIVE
Continued to January 20, 2014 at 10 a.m. to allow additional time to obtain the actual loan modification agreement.
The Court is unable to grant approval of the loan modification agreement until Debtor supplies the additional evidence of the actual loan modification agreement, not just the letter granting the trial loan modification. In the alternative, the Debtor may seek court approval to negotiate the terms of a loan modification.
Appearances are excused at the 12/9/2014 hearing.

ATTORNEY: DAYNA C. CHILLAS (JUAN & GRACIELA NUNEZ)

7 - 12-10328-MM Ch 13 CARLOS JOSUE & RITA MARIE LOPEZ

MOTION TO TEMPORARILY SUSPEND PLAN PAYMENTS FILED BY DEBTORS (fr. 7/22/14)

ATTORNEY: DANIEL WIEDECKER (CARLOS & RITA LOPEZ)

8 - 12-11834-MM Ch 13 DAVID ALLEN & SONDRAY REVOY

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN WITH SUSPENDED PLAN PAYMENTS FILED BY DEBTORS (fr. 10/14/14)

Tentative Ruling: Continued to December 23, 2014 at 10:00 a.m., Department 1 to be heard with the Motion to Dismiss. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: DANIEL WIEDECKER (DAVID & SONDRAY REVOY)

10:00 AM

9 - 12-12166-MM Ch 13 TERRY & ANDREA MELISSA CLASON

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Off calendar. Attorney guideline fees of \$490.00 are awarded and are to be paid as an administrative expense through Debtor's chapter 13 plan. Appearances are excused.

ATTORNEY: ANIKA RENAUD-KIM (TERRY & ANDREA CLASON)

10 - 12-13132-MM Ch 13 MARVIN RAPHAEL & FABIOLA A. CONTRERAS

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS (fr. 10/14/14)

Tentative Ruling: Continued to December 23, 2014 at 10:00 a.m., Department 1. Debtors are to address all remaining deficiencies noted by the Trustee not later than December 16, 2014 or the motion may be denied. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: MARK A. NELSON (MARVIN & FABIOLA CONTRERAS)

11 - 13-00818-MM Ch 13 ROBERT J. HANS

MOTION FOR APPROVAL OF LOAN MODIFICATION AGREEMENT FILED BY DEBTOR

Tentative Ruling: Motion for Approval of Loan Modification is Granted. As no arrears are being paid through the plan, this motion does not affect the plan. Attorney guideline fees of \$545.00 are awarded. Appearances are excused and Debtor may upload an order.

ATTORNEY: ANIKA RENAUD-KIM (ROBERT HANS)

12 - 14-05754-MM Ch 13 SEAN H KIM

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/14/14)

ATTORNEY: YURI SIMPSON (SEAN KIM)

13 - 14-06580-MM Ch 13 MARIA & HENRY C ELASEQUE

TELE

1) MOTION TO DISMISS CASE FILED BY ONEWEST BANK

2) MOTION TO EXTEND AUTOMATIC STAY FILED BY DEBTORS (fr. 10/28/14)

3) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY PORTFOLIO RECOVERY ASSOCIATES, LLC

ATTORNEY: KERRY A. DENTON (MARIA & HENRY ELASEQUE)

ATTORNEY: GREGORY K. JONES (ONEWEST BANK)

ATTORNEY: JOHN H. KIM (PORTFOLIO RECOVERY ASSOCIATES, LLC)

10:00 AM

14 - 14-07024-MM Ch 13 DC RANDALL

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY THE BANK OF NEW YORK MELLON

Tentative Ruling: Sustain objection. Creditor's objection is unopposed. The Court likely will require Debtor(s) to file a new plan that recognizes Creditor's \$60,112.05 arrearage promptly and will allow for dismissal under section 1307(c)(1) and (3) if such a plan is not filed. Because counsel has failed to file a response pursuant to Local Bankruptcy Rule 3015-5(c), the Court will deduct \$150.00 from any guideline fee to which counsel is entitled.

ATTORNEY: RICHARD STURDEVANT (DC RANDALL)

ATTORNEY: MARK D. ESTLE (THE BANK OF NEW YORK MELLON)

15 - 14-07538-MM Ch 13 WILLIAM EDWARD FOLEY & JULIE CHRISTINE ROBERTS-FOLEY

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY SANTANDER CONSUMER USA, INC.

Tentative Ruling: The unopposed plan objection is sustained and Santander may upload an order in that regard. Debtor's attorneys fees will be reduced by \$150.00 for a failure to respond. The Court will not dismiss this case at this time. Appearances are excused.

ATTORNEY: TODD A. WARSHOF (WILLIAM & JULIE FOLEY)

ATTORNEY: JOHN H. KIM (SANTANDER CONSUMER USA, INC.)

02:00 PM

1 - 10-12073-MM Ch 13 ELIZABETH ANN MARSHALL

MOTION TO SELL REAL PROPERTY FILED BY DEBTOR

Tentative Ruling: Motion to Sell Property is Granted so long as Wells Fargo Bank is paid in full, or Wells Fargo Bank (or its agent) approves the short sale in writing. On these terms, the motion to sell is unopposed. Debtor may upload an order and appearances are excused.

ATTORNEY: CHRISTIAN MCLAUGHLIN (ELIZABETH MARSHALL)

2 - 10-15809-MM Ch 13 SANDY K. & DAVID J. PENDLETON

- 1) MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY DEBTORS

Tentative Ruling: Continued to December 23, 2014 at 2:00 p.m., Department 1 to enable Debtors to present evidence if they refute the Trustee's opposition to their motion to modify. Any such evidence must be filed not later than December 16, 2014. Appearances at the December 9, 2014 hearing are excused.

- 2) APPLICATION FOR COMPENSATION & REIMBURSEMENT OF EXPENSES FOR ANDY WASHAW, ATTORNEY FOR DEBTORS

Tentative Ruling: The Court having considered the Application for Interim Fees and Expenses (the "Application") filed by Financial Relief Law Center, Attorneys for Debtors, for fees of \$3,852.00 and expenses of \$0.00; No opposition having been timely filed and good cause appearing; The Application is granted and appearances are excused. Financial Relief Law Center may upload an order granting the Application in full as requested.

ATTORNEY: ANDY C. WARSHAW (SANDY & DAVID PENDLETON)

02:00 PM

3 - 10-22161-MM Ch 13 JOSE ERNESTO & VILMA CRISTINA RAMIREZ

MOTION FOR RELIEF FROM STAY, RS #CJO-1 FILED BY GREEN TREE
SERVICING, LLC (fr. 11/20/14)

ATTORNEY: LARISSA L. LAZARUS (JOSE & VILMA RAMIREZ)
ATTORNEY: SAMY S. HENEIN (GREEN TREE SERVICING, LLC)

4 - 11-02821-MM Ch 13 MICHAEL & JANE CAVIN

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY
DEBTORS

Tentative Ruling: The Court having considered the Motion for Approval of Modified Chapter 13 Plan filed by Debtors (the "Motion"), no opposition having been timely filed and good cause appearing. The Motion is granted and appearances are excused. The Debtors are to upload an order granting the Motion. Attorney's fees of \$650 are awarded.

ATTORNEY: GARY J. HOLT (MICHAEL & JANE CAVIN)

5 - 11-15365-MM Ch 13 MARK CHRISTOPHER & SUSAN ANN DEL VECCHIO

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY
DEBTORS (fr. 11/25/14)

Tentative Ruling: Although OneWest's objections to the plan have been resolved, the Trustee's objection to the feasibility of the modified plan have not been addressed. Debtors are to submit evidence demonstrating the feasibility before the hearing.

ATTORNEY: CHRISTOPHER R. BUSH (MARK & SUSAN DEL VECCHIO)

6 - 12-11007-MM Ch 13 SEAN MARK & NICOLE LEE EDWARDS

MOTION FOR APPROVAL OF CHAPTER 13 MODIFIED PLAN FILED BY
DEBTORS

Tentative Ruling: The Court having considered the Motion for Approval of Modified Chapter 13 Plan filed by Debtors (the "Motion"), no opposition having been timely filed and good cause appearing. The Motion is granted and appearances are excused. The Debtors are to upload an order granting the Motion.

ATTORNEY: DANIEL WIEDECKER (SEAN & NICOLE EDWARDS)

7 - 12-13259-MM Ch 13 LANI A. ASHTON

MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Continued to March 31, 2015 at 2:00 p.m., Department 1. Trustee to track plan payments due December 28, 2014, January 28th and February 28th, 2015 with the ability to submit a Dismissal Order if any of these payments do not post within 14 days of the due date. Attorney guideline fees of \$490.00 are awarded. Status reports are due one week before hearing. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: ANIKA RENAUD-KIM (LANI ASHTON)

02:00 PM

8 - 13-07619-MM Ch 13 THOMAS CHRISTOPHER HEARD

MOTION FOR RELIEF FROM STAY, RS #LRB-4 FILED BY CIG FINANCIAL

ATTORNEY: NIMA STEPHEN VOKSHORI (THOMAS HEARD)
ATTORNEY: LAWRENCE R. BOIVIN (CIG FINANCIAL, LLC)

9 - 14-03063-MM Ch 13 DAVID ARTHUR UHL & NICOLE SUZANNE ESQUIBEL

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

Tentative Ruling: Continued to December 23, 2014 at 2:00 p.m., Department 1. Status reports are due one week before hearing. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: JOHN GIVEN (DAVID UHL & NICOLE ESQUIBEL)

10 - 14-04607-MM Ch 13 DONOVAN & ROBIN MANUEL

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WELLS FARGO BANK

Tentative Ruling: Continued to December 23, 2014 at 2:00 p.m., Department 1 pending amended plan to provide for creditor's pre-petition claim in full. Status reports are due one week before hearing. Attorney guideline fees are awarded. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: ALLAN CATE (DONOVAN & ROBIN MANUEL)
ATTORNEY: MEGAN LEES (WELLS FARGO BANK)

11 - 14-04673-MM Ch 13 MATTHEW POISET

TELE

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/14/14)
- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY WELLS FARGO BANK (fr. 10/14/14)
- 3) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY TIMOTHY D. REUBEN, INC. (fr. 10/14/14)

ATTORNEY: CRAIG S. TRENTON (MATTHEW POISET)
ATTORNEY: MEGAN LEES (WELLS FARGO BANK)
ATTORNEY: ASHLEY BRICK (TIMOTHY D. REUBEN, INC.)

12 - 14-05359-MM Ch 13 ANTHONY E. DIMOCK

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY WAGNER FAMILY ENTERPRISES, INC. (fr. 10/28/14)
- 2) MOTION FOR RELIEF FROM STAY, RS #RTL-1 FILED BY WAGNER FAMILY ENTERPRISES, INC.

ATTORNEY: ADAM B. ARNOLD (ANTHONY DIMOCK)
ATTORNEY: RUSSEL LITTLE (WAGNER FAMILY ENTERPRISES, INC.)

02:00 PM

13 - 14-05947-MM Ch 13 MOHAMED MALIK & KENZA W. KIROUANI

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE (fr. 10/14/14)

Tentative Ruling: Off calendar. Trustee has withdrawn his objection. Guideline attorney fees are awarded. Appearances are excused.

ATTORNEY: DAVID E. BRITTON (MOHAMED & KENZA KIROUANI)

14 - 14-06469-MM Ch 13 JOSE DEJESUS ARRIAGA

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY RCO LEGAL, PS

ATTORNEY: CRAIG S. TRENTON (JOSE ARRIAGA)

ATTORNEY: ERICA LOFTIS (RCO LEGAL, PS)

15 - 14-07397-MM Ch 13 STEVEN D. & NORMA G. PUGH

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY ACAR LEASING, LTD.

Tentative Ruling: Sustain objection. Creditor's objection is unopposed. The Court likely will require Debtor(s) to file a new plan that resolves the objection and will allow for dismissal under section 1307(c)(1) and (3) if such a plan is not filed. Because counsel has failed to file a response pursuant to Local Bankruptcy Rule 3015-5(c), the Court will deduct \$150.00 from any guideline fee to which counsel is entitled.

ATTORNEY: STEVEN E. COWEN (STEVEN & NORMA PUGH)

ATTORNEY: AUSTIN P. NAGEL (ACAR LEASING, LTD.)

16 - 14-07523-MM Ch 13 HARRY THORNE MCKIM

1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY TRUSTEE

2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY THE WOODLANDS LA JOLLA HOA

ATTORNEY: DEBORA M. ZUMWALT (THE WOODLANDS LA JOLLA HOA)

OTHER: HARRY MCKIM

17 - 14-07621-MM Ch 13 MIKE WILSON

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY THE BANK OF NEW YORK MELLON

Tentative Ruling: Continued to January 20, 2015 at 2:00 p.m., Department 1. Status reports are due one week before hearing. Appearances at the December 9, 2014 hearing are excused.

ATTORNEY: DANIEL J. WINFREE (MIKE WILSON)

ATTORNEY: MARK D. ESTLE (THE BANK OF NEW YORK MELLON)

02:00 PM

18 - 14-07199-MM Ch 11 LAKSHMI HOSPITALITY GROUP, LLC
MOTION TO DISMISS CASE

ATTORNEY: J. BENNETT FRIEDMAN (LAKSHMI HOSPITALITY GROUP, LLC)